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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of : Confirmation No. 4697
Jean-Paul CERVENY : Group Art Unit 1744
Application No. 09/889,994 : Examiner: Monzer R. Chorbaji
Filing Date: July 25, 2001 : (571) 272-1271
For a Patent for a :
MODULAR MACHINE FOR :
STERILIZING CLOSURE PARTS :
OF BOTTLES WITH HELICAL PATH :
(as amended) : June 2, 2005

PAYMENT OF DEFICIENCY UNDER 37 C.F.R. §1.28(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The application papers filed in this matter on July 25, 2001, included a Verified Statement which claimed the status of small entity under 37 C.F.R. §1.9(d). This claim was made in error, and is presently being relinquished. Applicant further respectfully requests that this error be excused pursuant to the provisions of 37 C.F.R. §1.28(c) and, to this end, submits the following.

The foregoing error resulted in payment of the filing

06/08/2005 AWONDAF1 00000006 09889994

01 FC:1252	450.00 OP
02 FC:1202	200.00 OP
03 FC:1999	839.00 OP

fees for the present U.S. Patent Application, which was submitted pursuant to the provisions of 35 U.S.C. §371, at the rates for a small entity. These fees should have been paid at the rates for a large entity.

The foregoing error also resulted in the payment of fees required in connection with the filing of a "Reply to Office Action Mailed November 3, 2004" at the rates for a small entity, including a fee for a two-month extension of time and a fee for the presentation of four additional dependent claims. These fees should also have been paid at the rates for a large entity.

For purposes of itemizing the deficiency owed for the fees erroneously paid as a small entity, pursuant to 37 C.F.R. §1.28(c)(2)(ii), the deficiency is calculated as follows:

1. The difference between the current fee amount for entering the U.S. national stage under 35 U.S.C. §371 for other than a small entity on the date the deficiency is paid in full (i.e., \$1,350.00) and the amount of the previous, erroneous fee payment for a small entity (i.e., \$511.00) is calculated to be \$839.00.

2. The difference between the current fee amounts for requesting a two-month extension of time and for the presentation of four additional dependent claims for other than a small entity on the date the deficiency is paid in full (i.e., \$650.00) and the amount of the previous, erroneous fee payment for a small entity (i.e., \$325.00) is calculated to be \$325.00.

Other than a fee for the submission of an Assignment

for recordation, which is not subject to differentiation based on entity status, no other fees have been paid relative to the present U.S. patent application.

Consequently, the total deficiency payment owed, which is the sum of the individual deficiency amounts owed for each fee amount previously erroneously paid as a small entity, is \$1,164.00.

Pursuant to the requirements of 37 C.F.R. §1.28(c)(2), a check in the amount of \$1,164.00 is submitted herewith. In the event that there has been a miscalculation of this deficiency, or if any further deficiency is found to be due, or to credit any overpayment, the U.S. Patent Office is authorized to charge such amounts to Deposit Account No. 03-2405.

It is respectfully requested that the U.S. Patent Office confirm that the above-calculated deficiency payment has been correctly determined, and accepted pursuant to 37 C.F.R. §1.28(c). Corresponding action is earnestly solicited.

Respectfully submitted,

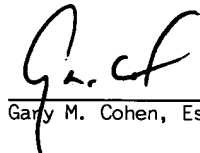


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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on June 2, 2005.

Date:

6/2/05



Gary M. Cohen, Esq.